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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,668	03/11/2004	Hans-Jurgen Kroner	P04,0034	6280
26574	7590	05/05/2005	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			SONG, HOON K	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/798,668	KRONER ET AL.	
	Examiner	Art Unit	
	Hoon Song	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9 is/are allowed.
- 6) ☒ Claim(s) 1 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 2 and 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “the first support device includes a runner in a contract region with the patient board and complementary rotary members being mounted on the patient board to engage the runners” as claimed in dependent claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-3 and 15-16 are objected to because of the following informalities:

In claim 1 at line 3, "patient board can be" should read --is--; at line 5, "said support device" should read --said first support device--.

In claim 2 at line 2, "can be" should read --is--.

In claim 3 at line 3, "can be" should read --is--.

In claim 15 at line 2, "the support device" should read --the first support device--.

In claim 16 at line 2, "the support device" should read --the first support device--.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tybinkowski et al. (US 6810103) in view of Braden et al. (US 4131802).

Regarding claim 1, Tybinkowski teaches a tomography imaging system comprising

an acquisition unit having a gantry (100),

a horizontally movable patient board (102), which is slid through a scan region of the gantry (100) of the acquisition unit for examination, and

a first support device (200, 202) being arranged with regard to the horizontally movable patient board, said first support device (200, 202) supporting the patient board (102) upon passing through the scan region, said first support device being directly attached (figure 3) to the gantry (100) of the acquisition unit to move therewith (figure 3).

However Tybinkowski fails to teach that the horizontally movable patient board is on a patient positioning table (18).

Braden teaches a patient positioning table (18) with a horizontally movable patient board (22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the horizontally movable patient board of Tybinkowski on the patient positioning table as taught by Braden, since the table would improve the mobility of the patient transporting and positioning.

Regarding claims 14 and 17, Tybinkowski teaches a contact region of the patient board.

However fails to teach that the contact region includes dampening element.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rollers (200) with dampening material such as rubber since the dampening material would protect the contact components between the support device and the patient support board from contract force.

Regarding claim 15, Tybinkowski teaches the first support device has a rotary member (200) for engaging a contact region of the patient board (102) (figure 3).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tybinkowski as modified by Braden et al. further in view of Plewes et al. (US 6459923B1).

Regarding claim 16, Tybinkowski fails to teach the first support device includes a runner in a contract region with the patient board and complementary rotary members being mounted on the patient board to engage the runners.

Plewes teaches a runner (60) and complementary rotary members (58) being mounted on the patient board (50) to engage the runner (figure 6 or 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the patient support system of Tybinkowski with the runner and rotary member as taught by Plewes, since the runner and rotary would provide the sliding movement of the patient board while preventing off-rail of the patient board.

Allowable Subject Matter

Claims 3-9 are allowed over prior art.

Claims 2 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art fails to teach a tomography imaging system having a extendable support device directly attached to the system for support a patient board upon passing through a scanning region and control means to regulate the

support device to keep the patient board in a horizontal position as claimed in independent claim 3.

Regarding claim 2, Tybinkowski fails to teach the first support device is implemented so that it can be extended as claimed in dependent claim 2.

Regarding claims 10-13, Tybinkowski fails to teach a second support device that is extended in a horizontal direction and is mounted on the patient positioning table as claimed in dependent claim 10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reimann (US 2002/0104163A1) teaches a extendable support device (27, 25) for regulate the support device to keep the patient board in a horizontal position (figure 3) however fails to teach the support device is directly connected to the acquisition unit.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

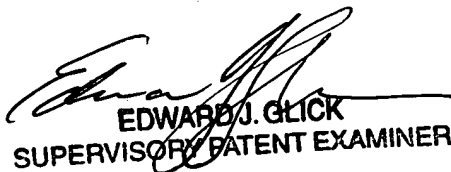
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HKS

4/29/05
HKS


EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER